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SERIES II No. 19



OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There is one Extraordinary issue to the Official Gazette, Series II No. 18 dated 31-07-2014 namely, Extraordinary dated 06-08-2014 from pages 361 to 362 regarding Notification from Department of General Administration.

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Order

No. 2/25/2014-15/D.Agro/107

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/12/2(3)/2014/650 dated 17-7-2014, the probation period of the following Assistant Directors of Agriculture, Group 'B', Gazetted in the pay scale of PB—III ` 15,600-39,100+ ` 5,400/- Grade Pay of this Directorate have been lifted, as they have satisfactorily completed their probation period as shown below:

| Sr. No. | Name of the Officer | Date of appointment in regular services as Assistant Director of Agriculture | Date of lifting of probation period |
|---------|---------------------------|------------------------------------------------------------------------------|-------------------------------------|
| 1. | Shri Tadeu Rodrigues | 16-05-2008 | 15-05-2010. |
| 2. | Shri Larry Barreto | 11-03-2010 | 10-03-2012. |
| 3. | Shri Yadvendra Dessai | 22-12-2011 | 21-12-2013. |
| 4. | Shri Datta B. Kossambe | 22-12-2011 | 21-12-2013. |
| 5. | Shri Nelson X. Figueiredo | 22-12-2011 | 21-12-2013. |
| 6. | Shri Satish Dev | 22-12-2011 | 21-12-2013. |

By order and in the name of the Governor of Goa.

Orlando Rodrigues, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 28th July, 2014.

Order

No. 8/113/2014-15/MCO-Confirmation/D.Agro/108

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/12/2(2)/2013/651 dated 17-07-2014, the probation period of the following Mechanical Cultivation Officers, Group 'B', Gazetted in the pay scale of ` 9,300-34,800+ 4,600/- Grade Pay of this Directorate have been lifted as they have satisfactorily completed their probation period and they also have been confirmed against the post of Mechanical Cultivation Officer with immediate effect:

| Sr. No. | Name of the Officer | Date of appointment in regular services as Mechanical Cultivation Officer | Date of completion of probation period |
|---------|-----------------------------|---------------------------------------------------------------------------|----------------------------------------|
| 1. | Shri Emerico E. D. Martires | 08-04-1993 | 07-04-1995. |
| 2. | Shri Anthony J. Rego | 08-04-1993 | 07-04-1995. |

By order and in the name of the Governor of Goa.

Orlando Rodrigues, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 28th July, 2014.



Department of Civil Supplies & Consumer Affairs

Notification

No. DCS/ADCS/SGDPC/1/04

In exercise of powers conferred by Section 8A and 8B of the Consumer Protection Act, 1986 (Central Act 68 of 1986) (hereinafter called the said Act), the Government of Goa hereby

constitute with immediate effect two District Consumer Protection Councils (hereinafter referred to as the District Council) for North and South Goa Districts for the purpose of the said Act, consisting of the following members namely:-

Members for the District Consumer Protection Council for North Goa District

| | | | |
|----------------------------------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------|-----------|
| 1) The Collector (North) | — Chairman. | 17) SDPO Panaji, Goa Police, Panaji | — Member. |
| 2) Addl. Collector (North) | — District Consumer Protection Council Officer. | 18) Dy. Director, Directorate of Sports & Youth Affairs, Panaji | — Member. |
| 3) Superintending Engineer, PWD, Panaji | — Member. | 19) Dy. Director, Department of Higher Education, Porvorim | — Member. |
| 4) Information Officer, Department of Information & Publicity, Panaji | — Member. | 20) Dy. Director, North Education Zone, Porvorim | — Member. |
| 5) Director, Western Region, Bureau of Indian Standards | — Member. | 21) Asst. Commissioner, Department of Commercial Taxes, Panaji | — Member. |
| 6) Director, Directorate of Food & Drugs Administration, Panaji | — Member. | 22) Asst. Divisional Officer, Fire and Emergency Services, Panaji | — Member. |
| 7) Asst. Controller, Department of Legal Metrology, Panaji | — Member. | 23) Additional Director, Directorate of Municipal Administration, Panaji | — Member. |
| 8) Superintending Engineer North, Department of Electricity, Panaji | — Member. | 24) Director, Directorate of Public Grievances, Panaji | — Member. |
| 9) Dy. Director, Public Health, Directorate of Health (DHS), Panaji | — Member. | 25) Dy. Director, Directorate of Panchayats, North, Panaji | — Member. |
| 10) Superintending Engineer North, Water Resources Department, Panaji | — Member. | 26) Managing Director, Kadamba Transport Corporation, Porvorim | — Member. |
| 11) Dy. Director, Department of Animal Husbandry and Veterinary Services, Panaji | — Member. | 27) Officer in Charge – All India Radio, Panaji | — Member. |
| 12) Dy. Director, Directorate of Transport (North), Panaji | — Member. | 28) Program Director, Doordarshan Kendra, Panaji | — Member. |
| 13) Area Manager, North, BSNL, Panaji | — Member. | 29) Representative of the Goa State Schedule Caste Federation | — Member. |
| 14) Asst. Registrar of Co-op. Societies, Panaji | — Member. | 30) GCCI- Consumer Committee Representative | — Member. |
| 15) Dy. Director, Department of Social Welfare, Panaji | — Member. | 31) President, Senior Citizens Forum of India, Panaji | — Member. |
| 16) Dy. SP Traffic (North), Panaji | — Member. | 32) Secretary, Aldona Civic and Consumer Forum | — Member. |
| | | 33) Secretary, Assagao Civic Consumer Forum | — Member. |
| | | 34) Convenor, Calangute Residents and Consumer Forum | — Member. |
| | | 35) Convenor, Chorao Civic and Consumer Forum | — Member. |
| | | 36) Secretary, Moira Civic and Consumer Forum | — Member. |

| | | | |
|------------------------------------------------------------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------|-----------|
| 37) Convenor, Nerul Civic and Consumer Forum | — Member. | 14) Asst. Registrar of Co-op. Societies, Margao | — Member. |
| 38) Convenor, Parra-Verla-Canca Civic and Consumer Forum | — Member. | 15) Dy. Director, Department of Social Welfare, Panaji | — Member. |
| 39) Secretary, Saligao Civic and Consumer Forum | — Member. | 16) Dy. SP Traffic (South), Margao | — Member. |
| 40) Member, Consumer Conciliation Committee | — Member. | 17) SDPO Margao, Goa Police, Margao | — Member. |
| 41) Asst. Director, Department of Civil Supplies and Consumer Affairs, Panaji | — Member Secretary. | 18) Dy. Director, Directorate of Sports & Youth Affairs Panaji | — Member. |
| Members for the District Consumer Protection Council for South Goa District | | | |
| 1) The Collector (South) | — Chairman. | 19) Dy. Director, Department of Higher Education, Porvorim | — Member. |
| 2) Addl. Collector (South) | — District Consumer Protection Council Officer. | 20) Dy. Director, South Education Zone, Margao | — Member. |
| 3) Superintending Engineer, PWD, Margao | — Member. | 21) Asst. Commissioner, Department of Commercial Taxes, Margao | — Member. |
| 4) Information Assistant, Department of Information & Publicity, Margao | — Member. | 22) Asst. Divisional Officer, Fire and Emergency Services, District Fire Station, Margao | — Member. |
| 5) Director, Western Region, Bureau of Indian Standards | — Member. | 23) Additional Director, Directorate of Municipal Administration, Panaji | — Member. |
| 6) Director, Directorate of Food & Drugs Administration, Panaji | — Member. | 24) Director, Directorate of Public Grievances | — Member. |
| 7) Asst. Controller, Department of Legal Metrology, Margao | — Member. | 25) Dy. Director, Directorate of Panchayats, South Margao | — Member. |
| 8) Dy. Director, Public Health, Directorate of Health (DHS), Panaji | — Member. | 26) Managing Director, Kadamba Transport Corporation, Porvorim | — Member. |
| 9) Superintending Engineer South, Department of Electricity, Margao | — Member. | 27) Officer in Charge - All India Radio, Panaji | — Member. |
| 10) Superintending Engineer South, Water Resources Department, Margao | — Member. | 28) Program Director, Door-darshan Kendra, Panaji | — Member. |
| 11) Dy. Director, Department of Animal Husbandry and Veterinary Services, Panaji | — Member. | 29) Representative of the Goa State Schedule Caste Federation | — Member. |
| 12) Dy. Director, Directorate of Transport (South) Margao | — Member. | 30) GCCI- Consumer Committee Representative | — Member. |
| 13) Area Manager, South, BSNL, Margao | — Member. | 31) President, Senior Citizens Forum of India, Margao | — Member. |
| | | 32) The Convenor, Benaulim Residents and Consumer Forum | — Member. |

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|-------------------------------------------------------------------------------|---------------------|
| 33) The Convenor, Betalbatim Civic and Consumer Forum | — Member. |
| 34) The Secretary, Cuncolim Civic & Consumer Forum | — Member. |
| 35) The Secretary, Davorlim Civic & Consumer Forum | — Member. |
| 36) The Secretary, Majorda-Utorda-Calata Residents Consumer Forum | — Member. |
| 37) The Secretary, Navelim Civic Consumer Forum | — Member. |
| 38) The Secretary, Nuvem Civic Consumer Forum | — Member. |
| 39) The Convenor, Raia Civic Consumer Forum | — Member. |
| 40) The Convenor, Veling Civic & Consumer Forum | — Member. |
| 41) Member, Consumer Conciliation Committee | — Member |
| 42) Asst. Director, Department of Civil Supplies and Consumer Affairs, Panaji | — Member Secretary. |

The District Council shall meet at such time and place within the District as the Chairman may decide. It shall meet as and when necessary but not less than two meetings should be held in a year.

Any member failing to attend two consecutive meetings of the District Council, shall be deemed to have resigned from the council.

The object of the District Council shall promote and protect within the District the rights of the Consumers.

The District Council may constitute from amongst its members such working group deem necessary and the working groups so constituted shall perform such functions as may be assigned to them by the Council.

Any resolution passed by the District Council shall be only recommendatory nature.

By order and in the name of the Governor of Goa.

Deepali D. Naik, Director & ex officio Joint Secretary (Civil Supplies and Consumer Affairs).

Panaji, 15th July, 2014.

Notification

No. DCS/ADCS/BIS/14-15

The Government of Goa is pleased to reconstitute the State Level Committee on Standardization and Quality System for monitoring the implementation of Standardization and Quality System in Goa. The Recommended Composition of the New State Level Committee on Standardization and Quality System as Annexure-I is as follows:

ANNEXURE-I

Recommended Composition of the New State Level Committee on Standardization and Quality System, Goa

| Sr. No. | Department/Organization/Designation | Status of membership |
|---------|------------------------------------------------------|----------------------|
| 1. | Chief Secretary, Government of Goa | Chairman. |
| 2. | Secretary (Civil Supplies & Consumer Affairs) | Member. |
| 3. | Director General of Police (or his Representative) | Member. |
| 4. | Chief Engineer, Public Works Department | Member. |
| 5. | Chief Electrical Engineer, Electricity Department | Member. |
| 6. | Chief Engineer, Water Resources Department | Member. |
| 7. | Director of Industries and Mines | Member. |
| 8. | Director of Health Services | Member. |
| 9. | Collector (North Goa) | Member. |
| 10. | Collector (South Goa) | Member. |
| 11. | Director, Food and Drugs Administration | Member. |
| 12. | Director of Fire & Emergency Services | Member. |
| 13. | Director of Agriculture | Member. |
| 14. | Director, Small Industries Service Institute, Margao | Member. |
| 15. | Director of Technical Education | Member. |
| 16. | Director of Transport | Member. |
| 17. | Managing Director, Kadamba Transport Corporation | Member. |
| 18. | State Level Co-ordinator of Oil Companies | Member. |

| | |
|----------------------------------------------------------------------------------------------------------|-----------|
| 19. Shri Roland Martins, Co-ordinator GOACAN, Mapusa | Member. |
| 20. Managing Director, Goa Co-operative Marketing and Supply Federation | Member. |
| 21. Managing Director, Goa State Co-operative Milk Federation Union Ltd., Ponda | Member. |
| 22. Controller of Legal Metrology | Member. |
| 23. The President, Goa Chamber of Commerce and Industries | Member. |
| 24. The President, Goa Chapter of Confederation of India Industries | Member. |
| 25. President, Goa Small Scale Industries Association | Member. |
| 26. Principal, Government Polytechnic, Panaji | Member. |
| 27. Director of Civil Supplies and Consumer Affairs, Panaji | Member. |
| 28. Dy. Director General, Bureau of Indian Standards, Regional Office, Mumbai | Member. |
| 29. Managing Director, Goa Handicrafts, Rural and Small Scale Industries Development Corporation, Panaji | Member. |
| 30. Director, Regional Testing Centre, Mumbai | Member. |
| 31. Regional Manager, National Small Industries Corporation, Panaji | Member. |
| 32. Goa Tourism Development Corporation | Member. |
| 33. Captain of Ports | Member. |
| 34. Director of Science, Technology and Environment | Member. |
| 35. Inspectorate of Factories & Boilers | Member. |
| 36. Director, Regional Office of Bureau of Indian Standards, Mumbai | Convenor. |

By order and in the name of the Governor of Goa.

Deepali D. Naik, Director & ex officio Joint Secretary (Civil Supplies and Consumer Affairs).

Panaji, 22nd July, 2014.

Department of Forest

Order

No. 6/15/2001-02/FOR(Part)/258

Read: Order No. 6/15/2001-02/FOR(Part) dated 22-07-2013.

Government is pleased to extend the deputation period of Dr. Francis L. Coelho, Dy. Conservator of Forests as General Manager in the Goa Forest Development Corporation Ltd., for a period of one year with effect from 13-06-2014 to 12-06-2015.

The appointment of Dr. Coelho shall be governed by standard terms of deputation as contained in the Office Memorandum No. 13/4/74-PER dated 12-02-1999.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Forests)/Link.

Porvorim, 23rd July, 2014.



Department of General Administration

Order

No. TA/ARD/G&C-Vol.V/1867

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/42(2)/2013/655 dated 17-07-2014, Government is pleased to promote Shri Pandurang G. Salgaonkar, Senior Assistant to the post of Technical Officer (Group "B", Gazetted) in the Secretariat, Porvorim-Goa on regular basis in the Pay Band—3, ` 9,300-34,800 plus Grade Pay of ` 4,600/- and other allowances to be fixed as per rules with immediate effect.

Shri Pandurang G. Salgaonkar shall be on probation for a period of two years, and he shall have to pass the Basic Management Service Course during the probation period.

Shri Pandurang G. Salgaonkar shall exercise option for fixation of his pay in the promotional grade, in terms of provisions of F.R. 22 (I)(a)(1) within a period of one month from the date of his promotion as Technical Officer. The option once exercised shall be final.

Party I/ Workman represented by Shri P. Gaonkar.
Party II/Employer represented by Adv. P. Chawdikar.

Panaji, Dated: 28-05-2013.

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa, by order dated 25-11-2009, bearing No. 28/28/2009-LAB, referred the following dispute for adjudication to the Industrial Tribunal of Goa at Panaji. The Hon'ble Presiding Officers Industrial Tribunal-cum-Labour Court in turn assigned the present reference to this Labour Court II for its adjudication, vide its order dated 30-11-2009.

"(1) Whether the action of the Management of M/s. Andrew Telecommunication India Private Limited, Verna Industrial Estate, Verna, in dismissing the services of Shri Rajendra K. Gaonkar, "Operator" in the Cable Assembly Department w. e. f. 16-4-2007, is legal and justified?
(2) If not, what relief, the Workman is entitled to?"
2. On receipt of the reference, a case was registered under No. LC -II/IT/15/09 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short 'workman') field his statement of claim at Exhibit-3. The facts of the case, in brief as pleaded by the Workman are that he was continuously working with the Employer/Party II (for short "Employer") as an "Operator" in the Cable Assembly Department w. e. f. 23-02-2004 till he was suspended from services. He stated that in the last week of December, 2005, a false charge was framed against him and was arrested along with 100 villagers on 29-12-05. He stated that he was released on bail on 13-03-06 vide order of the Hon'ble Addl. Session Judge, at Mapusa. He stated that he had approached the Employer Company for allowing him to resume the duty after releasing him on bail. He stated that he was not allowed to resume the duty and was informed that the management will convey their decision. He stated that he was issued a show cause notice dated 28-03-06. He stated that he submitted his reply to the show cause notice vide letter dated 03-04-2006. He stated that thereafter, he was issued a charge-sheet-cum-

-suspension order-cum-notice of inquiry vide their letter dated 28-04-2006. He stated that thereafter he was dismissed from services vide dismissal order dated 16-04-07 without conducting any proper inquiry.

3. He stated that on receipt of the said dismissal order, he submitted his demand before the Employer for withdrawal of his dismissal order. He stated that thereafter he raised a dispute vide union letter dated 10-06-2007. He submitted that on receipt of the said letter, the Deputy Labour Commissioner called for joint discussions and conciliations in the matter on several occasions, but due to the adamant attitude of the Employer, the said conciliation ended in failure.

4. He contended that the Enquiry Officer was biased and as such could not conduct inquiry in a fair and proper manner. He submitted that he had filed a proper application to direct the Employer to produce certain relevant documents, however the Ld. Enquiry Officer failed to direct the Employer to produce the said documents. He submitted that non-production of the said documents has caused great prejudice to him. He therefore submitted that the inquiry was not conducted in a fair and proper manner, in consonance with the principles of natural justice. He submitted that the punishment awarded to him is also severe in nature. He submitted that the action of the Employer Company in awarding punishment of dismissal amounts to discrimination and victimization as he had formed the union. He contended that the provisions of Industrial Disputes Act are not followed by the Employer Company before dismissing him from services; hence his dismissal from services is illegal and bad-in-law. He contended that the findings of the Enquiry Officer are perverse and not based on evidence on record.

5. He submitted that he is unemployed, since after the dismissal from services and could not succeed in getting any employment and hence he is entitled for full back wages. He therefore prayed that his dismissal from services be declared as illegal, unjustified and bad-in-law and direct the Employer to reinstate him back with full back wages and continuity in services.

6. The Employer Company controverted the claim of the Workmen by filing their written statement on 17-02-2010 at Exb. 4. The Employer Company by way of preliminary objection

submitted that the present order of reference is bad-in-law and not maintainable. The Employer Company submitted that the Workman has not given any justification for the demands/claims raised by him. The Employer Company further submitted that the dispute raised by the Workman is not an "Industrial Dispute" as defined under the Industrial Disputes Act, 1947.

7. The Employer stated that it is a Company registered under the Companies Act, 1956 and is engaged in manufacturing telecom equipments. The Employer Company stated that the Workman was working with them as an "Operator" in the Cable Assembly Department, w.e.f. 11-08-2004 continuously till 26-12-2005. The Employer Company stated that the Workman was issued a charge-sheet dated 28-04-06, alleging that he has not been reporting for his duties from 27-12-2005 till the date it received his first letter on 29-03-2006, without prior sanction of leave or without informing his superiors. The Employer stated that it was further alleged that the three Registered A. D. letters i.e. letter dated 30-01-2006, letter dated 06-02-2006 and letter dated 13-02-2006 respectively were sent to his residential address, returned back with postal endorsement 'unclaimed'. The Employer stated that the aforesaid act on the part of the Workman constitutes a misconduct of habitual absence without leave or absence without leave for 15 consecutive days or overstaying the sanctioned leave without sufficient ground or proper or satisfactory explanation as per its certified standing order. The Employer Company stated that it has conducted an inquiry by appointing Adv. Shri Rohit Lobo as an Enquiry Officer. The Employer Company stated that the Enquiry Officer, Adv. Shri Rohit Lobo submitted his findings/report dated 11-03-2007 holding that the Workman is guilty of the charges levelled against him vide charge-sheet dated 28-04-2006 issued to him. The Employer Company submitted that the records of the inquiry proceedings clearly shows that the Enquiry Officer has conducted the inquiry by following the principles of natural justice and every conceivable opportunity has been extended to the charge-sheeted employee to defend the charges levelled against him in the inquiry proceedings. The Employer Company submitted that the findings/report of the Enquiry Officer is based on the evidence on record and the Enquiry Officer has appreciated the evidence in his findings dated 11-03-07 submitted to them. The Employer company stated that Shri P. Gaonkar, the General Secretary of Gomantak Mazdoor Sangh acted as a Defence Representative of the Workman and Shri P.

Chawdikar acted as Management Representative in the said inquiry. The Employer Company stated that it had issued a letter dated 02-04-07 calling upon an explanation from the Workman about the said findings given by the Enquiry Officer. The Employer Company stated that the Workman submitted his explanation vide his reply dated 09-04-07. The Employer Company submitted that the reply submitted by the Workman was found to be unsatisfactory. The Employer Company submitted that considering the gravity of proved misconduct, they dismissed the Workman from their services w. e. f. 16-04-2007 by paying all his legal dues. The Employer Company denied that the Enquiry Officer was biased and he has conducted an inquiry in violation of the principles of natural justice or that he has acted as its agent. The Employer Company also denied that the punishment awarded to the Workman is severe in nature and that it amounts to discrimination and/or victimization as he formed the union as alleged. The Employer Company contended that the punishment awarded to the Workman is fair, proper and proportionate to the proved misconduct and finally prayed for the dismissal of present reference issued by the Government.

8. Thereafter, the Workman filed his re-joinder on 02-03-2010 at Exb. 5. The Workman by way of his re-joinder denied the preliminary objection raised by the Employer Company in their written statement and reiterates his claim.

9. Based on the pleadings filed by the respective parties this Hon'ble Court framed the following issues on 12-03-2010 at Exb. 6:

1. Whether the Employer/Party II proves that a fair and proper enquiry is held against the Workman/Party I ?
2. Whether the charges of the misconduct levelled against the Party I are proved to the satisfaction of this court by acceptable evidence?
3. Whether the Workman/Party I proves that he was working in the Cable Assembly Department of the Party II w.e.f. 23-02-2004?
4. Whether the Workman/Party I proves that the action of the Employer/Party II in dismissing his services is illegal and unjustified?
5. Whether the Employer/Party II proves that the present dispute raised by the Party I is bad-in-law and hence not maintainable?
6. Whether the Employer/Party II proves that the present dispute raised by the Party I is not an "Industrial Dispute" as defined under I.D. Act, 1947?

7. Whether the Workman/Party I prove that he is entitled for any relief?
8. What Award? What Order?
10. My answers to the aforesaid issues are as under:

| | |
|--------------------|-----------------------|
| Issue No. 1 | : In the Affirmative |
| Issue No. 2 | : In the Affirmative |
| Issue No. 3 | : In the Affirmative |
| Issue No. 4 | : In the Affirmative |
| Issue No. 5 | : In the Negative |
| Issue No. 6 | : In the Negative |
| Issue Nos. 7 and 8 | : As per Final Order. |

REASONS

11. *Issues No. 1 and 2:* Vide order passed in my findings on the preliminary issues No. 1 and 2 dated 04-08-2011, I have already come to conclusion and held that a fair and proper enquiry has been held against the Workman by the Employer and that the charges of misconduct levelled against the Workman are proved to the satisfaction of this court by acceptable evidence. Thus the issues Nos. 1 and 2 have been answered in the affirmative.

12. *Issues No. 5 and 6:* I am deciding the issue Nos. 5 and 6 together, prior to the issue Nos. 3 and 4 as the said issue Nos. 5 and 6 touches the very root jurisdictions of this court.

13. The Employer, in its written statement filed in the present proceedings by way of preliminary objections contended that the present reference is bad-in-law, that the Workman has not given any justification for the demands/claims raised by him and that the present dispute raised by the Workman is not an 'industrial dispute' as defined under the Industrial Disputes Act, 1947. The burden to prove the aforesaid contentions are therefore on the Employer.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties. I have also carefully considered the oral submissions made by the Ld. Advocates appearing for the respective parties. I have also carefully perused the records of the present case which includes the synopsis of written arguments filed on behalf of the Employer.

14. Though the Employer in its written statement filed in the present proceeding by way of preliminary objections contended that the present reference is bad-in-law, that the Workman has not given any justification for the demands/claims raised by him and that the present dispute raised by the Workman is not an 'industrial dispute' as

defined under the Industrial Disputes Act, 1947. etc., it has failed to produce on record any material evidence either oral or documentary in support of its aforesaid allegations. Consequently the Employer failed to prove its allegations that the reference is bad-in-law for any reasons, that the Workman has not given any justification for the demands/claims raised by him and that the present dispute raised by the Workman is not an 'industrial dispute' as defined under the Industrial Disputes Act, 1947 etc.

15. Even otherwise, in the case in hand, it is not in dispute that the Party I is a 'Workman' within the meaning of section 2(s) of the I. D. Act, 1947. It is also not in dispute that the Party II Company is an 'Employer' within the meaning of section 2(g) of the I. D. Act, 1947. Hence the present dispute raised by the Workman against the Employer pertaining to his non-employment is an 'industrial dispute' within the meaning of section 2(k) of the I. D. Act, 1947 and as such this court has every jurisdiction to adjudicate the present reference. Hence it is held that the Employer failed to prove the issue Nos. 5 and 6. The issue Nos. 5 and 6 are therefore answered in the negative.

16. *Issue No. 3:* I have heard the oral arguments of the Ld. Advocates appearing for the respective parties. I have also carefully considered the oral submissions made by the Ld. Advocates appearing for the respective parties. I have also carefully perused the records of the present case which includes the synopsis of written arguments filed on behalf of the Employer.

17. The burden to prove aforesaid issue No. 3 is on the Workman. The Workman, in order to prove the issue No. 3, has examined himself and produced on record oral evidence that he was working as an 'Operator' in the Cable Assembly Department w. e. f. 23-02-2004 and he was continuously working with the Employer till he was suspended from services. The aforesaid oral evidence adduced by the Workman has not been denied by the Employer during the course of his cross-examination by the Ld. advocate appearing for the employer nor produced on record any rebuttal evidence in support of its pleading that the Party I was working as an 'Operator' in their cable assembly department w. e. f. 11-08-2004. Hence it is held that the Workman proved that he was working as an 'Operator' in the Cable Assembly Department of the Employer Company w.e.f. 23-02-2004. The issue No. 3 is therefore answered in the affirmative.

18. *Issue No. 4:* I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

19. Ld. Rep. Shri P. Gaonkar during the course of his oral arguments submitted that the Workman was working as 'Operator' in the Cable Assembly Department of the Employer w. e. f. 23-02-2004 continuously till the date of suspension from service w. e. f. 28-04-2006. He submitted that the Workman was arrested alongwith other persons and put in jail in connection with false charge of murder in the month of December, 2005. He submitted that the Workman remained in jail till he was released on bail vide order of Additional Session Judge dated 13-03-2006. He submitted that on account of the aforesaid reason, which was beyond the control of the Workman, he was compelled to remain absent from duties for the period starting from 27-12-2005 till 03-04-2006. He submitted that besides the aforesaid period of unauthorized absenteeism, there is nothing on record to show that the applicant had issued show cause notice etc., for any other misconduct including the unauthorized absenteeism. He submitted that the Employer Company has its own certified standing order. He submitted that in terms of clause "QQ" Acts and Omissions of the Certified Standing Order of the Employer Company, a Workman may be warned censured or fined for any of the following acts or omissions such as absence without leave without sufficient cause. He therefore submitted that the punishment of dismissal from service awarded to the Workman is arbitrary, discriminatory and disproportionate to the misconduct and in violation of its certified standing order. He submitted that the justification given by the Workman for his absence from duty is genuine, bona fide and satisfactory. He therefore submitted that the dismissal from service of the Workman on account of the alleged misconduct is illegal and unjustified. He relied upon following judgments of Hon'ble Supreme Court of India in support of his aforesaid contention.

1. Om Prakash (dead) by LRs. v/s Presiding Officer, Labour Court, Rohtak and Anr., reported in 2001 LLR 1116 of the Hon'ble Supreme Court of India.
2. Scooters India Ltd. v/s M. Mohammad Yaqub and Anr, reported in 2001 I CLR 207, of the Hon'ble Supreme Court of India.

20. On the contrary, Ld. Adv. Shri P. Chawdikar representing the Employer during the course of his oral arguments submitted that this Hon'ble Court vide its order passed in findings on the preliminary issue Nos.1 and 2 dated 04-08-2011 held that the enquiry conducted against the Workman is fair and proper and that the charges of misconduct levelled against the Workman vide charge-sheet dated 28-04-2006 are proved to the satisfaction of the court

by acceptable evidence. He submitted that the Workman was accordingly held guilty of misconducts under clause NN (4) of its certified standing order. He submitted that the Workman was therefore dismissed from service after holding fair and proper enquiry. He submitted that the punishment of dismissal from services awarded to the Workman is just, fair and proper and this court shall not interfere in the said punishment of dismissal imposed upon the Workman. In support of his oral arguments, he relied upon the following decisions.

1. L & T Komatsu Ltd. v/s N. Udaykumar, 2008 I CLR 978 of the Hon'ble Supreme Court.
2. Delhi Transport Corporation v/s Sardar Singh, 2004 (III) CLR 289 of the Hon'ble Supreme Court.
3. Pandurang V. Kevne v/s BSNL (Telecom Factory), Mumbai & Anr, 2010 CLR 170 of the division bench of Hon'ble Bombay High Court.
4. Mahindra and Mahindra Ltd. v/s N. B. Narawade, 2005 (I) CLR 803.
5. Chairman & Managing Director, United Commercial Bank and Other v/s P. C. Kakkar, 2003 LLR 436 (S. C.) of the Hon'ble Supreme Court.

I have also carefully considered the oral submissions made by the Ld. Advocates appearing for the respective parties. I have also carefully perused the records of the present case which includes the synopsis of written arguments filed on behalf of the Employer.

21. Being aggrieved by the decision of his dismissal from service by the Employer, the Workman challenged the same in the present reference mainly on the grounds that the enquiry conducted against him is not fair and proper and that the findings of the Enquiry Officer are perverse and not based on evidence on record. The Workman also contended that the punishment of dismissal from service imposed upon him is of severe nature by victimizing him.

22. Vide order passed in my findings on preliminary issue Nos.1 and 2 dated 04-08-2011, I have already come to the conclusion and held that a fair and proper enquiry has been held against the Workman and that charges of misconduct levelled against the workman are proved to the satisfaction of this court by acceptable evidence. Thus the only ground of challenge remains to be decided is whether the punishment of dismissal from service of the Workman is proportionate to the proved misconduct on his part.

23. Section 11-A of the I. D. Act, 1947 empowered the Labour Court, Tribunal or National Tribunal to re-appreciate the evidence on record and pass an order of reinstatement of the Workman on such terms and conditions if any as it thinks fit or give such other relief to the Workman including the award of any lesser punishment in lieu of discharge or dismissal if the Labour Court or Tribunal or National Tribunal comes to the conclusion in the course of adjudicating proceedings that the order of discharge or dismissal was not justified, after taking into consideration the material produced by both parties. However the power of the Labour Court, Tribunal or National Tribunal is not unlimited.

24. Ld. Adv. Shri P. Chawdikar representing the Employer, in his synopsis of written arguments relied upon the following two judgments of Hon'ble Supreme Court of India in support of his submission that the discretion u/s 11-A to alter or to reduce punishment is not unlimited and that the discretion which can be exercised u/s 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of the mitigating circumstances which requires the reduction of the sentence or the past conduct of the Workman which may persuade the Labour Court to reduce the punishment.

25. In the case of **Mahindra and Mahindra Ltd. v/s N. B. Narawade, reported in 2005 (I) CLR 803**, the Hon'ble Supreme Court of India has held that "*the discretion u/s 11-A to alter or to reduce punishment is not unlimited. The Hon'ble Apex Court further held that the discretion which can be exercised u/s 11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the court, or the existence of the mitigating circumstances which requires the reduction of the sentence or the past conduct of the Workman which may persuade the Labour Court to reduce the punishment. In the absence of any such factor existing, the Labour Court cannot by way of sympathy alone exercise the power u/s 11-A of the Act and reduce the punishment.*

26. In the case of **Chairman & Managing Director, United Commercial Bank and Other v/s P. C. Kakkar, reported in 2003 LLR 436(S.C.)** of the Hon'ble Supreme Court of India has held that "*the court should not interfere with the administrators decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in*

defiance of logic or moral standards. Only where the court finds that a punishment is shockingly disproportionate it must record reasons for coming to such conclusion and mere expression that the punishment is shockingly disproportionate could not meet the requirement of law. Further the charges against Respondent not being casual in nature, but being serious, the High Court was justified in interfering with the quantum of punishment".

The principles laid down by the Hon'ble Apex Court in its both aforesaid decisions are well recognized and still hold good.

27. In the case in hand, the Employer Company is governed by its certified standing order under the Industrial Employment (standing orders) Act, 1946. Clause 'NN' of its certified standing order described the acts of misconduct. Similarly clause 'OO' of its certified standing order provides for disciplinary action. Sub-clause 'a' of Clause 'OO' of its certified standing order provides for various types of punishment to be imposed on its Workman found guilty of any misconduct such as warning or censure or imposing of fine subject to and in accordance with the provisions of payment of wages act, suspension without wages and/or other benefits by an order in writing for a period not exceeding four days, withholding one or more increments, reduction to lower post or time scale or to a lower stage in the same time scale, discharge from service and removal or dismissal from service without notice or wages in lieu of such notice. Sub-clause 'g' of clause 'OO' of its certified standing order states that in awarding punishment under standing orders, the Manager shall take in to consideration the gravity of misconduct, and/or the previous record of the Workman and/or any other extenuating and/or any aggravating circumstances that may exist. Clause 'QQ' of its certified standing order states that a Workman may be warned, censured or fined for any of the following acts and omissions (which are illustrative and not exhaustive) such as absence without leave sufficient cause, late attendance, negligence in performing duties, neglect of work, absence without leave or without sufficient cause from appointed place of work, entering or leaving or attempting to enter or leave the premises of the establishment, except by a gate or entrance notified, committing nuisance on the premises of the establishment and breach of any rules or instructions for maintenance of the department. Clause 'II' of its Certified Standing Order provides for termination of employment. In terms of sub-clause '10' of clause 'II', if a Workman remains

absent without obtaining leave without sufficient cause for 15 consecutive days, he would be deemed to have voluntarily abandoned his employment of his own accord, and his name will be struck off from muster roll of the Company.

28. The evidence on record indicates that the Workman was in the employment of the Employer Company w.e.f. 23-02-2004 continuously till he was suspended from service. The evidence on record indicates that the Workman had remained absent from his duties starting from 27-12-2005 till 03-04-2006 on account of his arrest by the Bicholim Police in connection with their Cr. No. 79/2005. The evidence on record indicates that the Workman remained in jail from 29-12-2005 till he was released on bail vide order dated 13-03-2006 passed by the Addl. Session Judge at Mapusa. The evidence on record indicates that the Workman was acquitted from the charges u/s 143, 147, 148, 427, 302 read with 149 of the Indian Penal Code vide judgment and order dated 6-06-2011 passed by the Session Judge, North Goa, Panaji, disposing off its session case No. 28/2008. The evidence on record further indicates that the Workman vide its letter dated 23-03-2006 addressed to the Employer, requested to allow him to resume on duty by alleging that he was falsely implicated in criminal case due to village problems and was arrested on 29-12-2005. The evidence on record indicates that either of the parties has failed to produce on record any evidence to show that the Workman was in the habit of remaining absent unauthorizedly.

29. On perusal of the dismissal letter dated 16-04-2007 issued to the Workman it appears that the Workman has been dismissed from service on account of proved misconduct (i. e. absence without leave for more than 15 consecutive days) after allegedly considering the gravity of the misconduct. The Employer has however failed to specify the relevant provisions of termination of employment of the Workman in the dismissal letter issued to him.

30. Thus the evidence on record indicates that the Workman has been dismissed from service on account of proved misconduct of absence without leave for more than 15 consecutive days, after allegedly considering the gravity of misconduct as well as extenuating circumstances. The justification given by the Workman for his absence from duties appears to be genuine, sufficient and beyond his control. The evidence on record indicates that except the aforesaid unauthorized absence from duties, the Workman was not involved in any other acts of misconduct. The

dismissal letter issued to the Workman indicate that the disciplinary authority has failed to take into consideration the past service record of the Workman etc. in terms of clause 'OO' (g) of its certified standing order. Clause 'QQ' of the certified standing order of the Employer provides punishment of warning, censuring or fine for the acts of the misconduct of absence without leave without sufficient cause. Thus the punishment of dismissal from service imposed upon the workman is harsh, severe and disproportionate to the proved misconduct. The punishment of dismissal from service of the Workman is in violation of clause 'QQ' as well as clause 'OO' (g) of its certified standing order.

31. In terms of sub-clause '10' of clause "II" of its certified standing order if a Workman remains absent without obtaining leave without sufficient cause for 15 consecutive days, he would be deemed to have voluntarily abandoned his employment of his own accord, and his name will be struck off from the muster roll of the Company. The said provision of the certified standing order of the Employer Company is not applicable to the present case as the absence of the Workman from duty for more than 15 days cannot be said to be absent without sufficient cause.

32. In the case of **Om Prakash (dead) by LRs. v/s Presiding Officer, Labour Court, Rohtak and Anr., reported in 2001 LLR 1116**, before the Hon'ble Supreme Court of India, the services of the Appellant were terminated by the Respondent Company on account of his absence from work being detained by police till he was enlarged on bail. The Hon'ble Apex Court has held that *"therefore there is no abandonment of service in any manner and those circumstances the relevant standing order in this regard could not have been invoked. That case put forth by the Appellant should have been accepted by the Tribunal. The Hon'ble Court further held that the Tribunal could have directed restoration of services of the Appellant"*. The principle laid down by the Hon'ble Apex Court is applicable to the case in hand.

33. In the case of **Scooters India Ltd. v/s M. Mohammad Yaqub and Anr. reported in 2001 I CLR 207**, before the Hon'ble Supreme Court of India, the name of the Respondent was removed from the roll of the Appellant Company under standing order 9.3.12. In reference, the Labour Court held that the termination was retrenchment and as section 25-F was not complied with, it is illegal. Writ Petition filed by the Respondent Company against the said award came to be

dismissed. In an appeal, the Hon'ble Apex Court has held *"that there could not be any automatic termination of the Respondent on the basis of standing order 9-3-12. Principles of natural justice had to be complied with."* The principle laid down by the Hon'ble Apex Court is not applicable to the case in hand as the facts of the case the case in hand are totally different than the aforesaid case before the Hon'ble Supreme Court of India.

34. In the case of **L & T Komatsu Ltd. v/s N. Udaykumar reported in 2008 I CLR 978**, before the Hon'ble Supreme Court of India, the Respondent was dismissed from service for the proved misconduct of habitual unauthorized absence for 15 times, but the Respondent has not improved his conduct. The Hon'ble Apex Court has held that *"it is well established that habitual absenteeism is gross violation of discipline. Labour Court and High Court not justified in directing reinstatement by interference with the order of termination."*

35. In the case of **Delhi Transport Corporation v/s Sardar Singh, reported in 2004 (III) CLR 289**, the Hon'ble Supreme Court of India has held that *"leave without pay is not the same as sanctioned or approved leave and that unauthorized absence for long period showed habitual negligence in duties and exhibited lack of interest in the work and such conduct was nothing but irresponsible in extreme and hardly be justified."*

36. In the case of **Pandurang V. Kevne v/s BSNL (Telecom Factory), Mumbai & Anr., reported in 2010 CLR 170**, before the division bench of Hon'ble Bombay High Court, the Petitioner had remained absent without leave on several occasions. The charges of misconduct levelled and proved against the Petitioner were such as breach of Central Service (Conduct) Rules, 1964 as applicable under standing order 39-A, habitual absence without leave or absence without leave or intimation for more than 10 days. The Petitioner was also charged under Rule-3 of Central Service (Conduct) Rules, 1964 i.e. every Government servant shall at all times maintain absolute integrity, maintain devotion to duty and do nothing which is unbecoming of a Government servant. The Central Government Industrial Tribunal by its award dated 22-12-2006 held that the charges of misconduct proved and the punishment of removal from service was proper punishment. In Writ Petition, the Hon'ble High Court has held that *"unauthorized habitual absence is a misconduct which exhibits its irresponsibility and lack of interest in work".*

37. The principles laid down by the Hon'ble Courts in its aforesaid judgments relied upon by the Ld. advocate appearing for the Employer are not applicable to the present case as the facts of the aforesaid cases are totally different than the case in hand. In the aforesaid cases, the Workman were guilty of habitual absence unlike the present case of unauthorized absence for the first time and that too on account of arrest of the Workman by Bicholim Police i.e. beyond the control of the Workman.

Hence it is held that the action of the Employer in dismissing services of the Workman is illegal and unjustified. The issue No. 4 is therefore answered in the affirmative.

38. *Issue No. 7:* While deciding the issue No. 4 hereinabove, I have come to the conclusion and held that the action of the Employer in dismissing the Workman from services is illegal and unjustified.

39. Ld. Adv. Shri P. Chawdikar representing the Employer in his synopsis of written arguments relied upon the following decisions:

40. In the case of **Kendriya Vidyalaya Sangathan and Anr. v/s S. C. Sharma, reported in 2005(104) FLR 863**, the Hon'ble Apex Court in para-15 of its aforesaid Judgment has ruled as under:

"15..... When the question of determining the entitlement of a person to back wages is concerned, the employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places material in that regard, the employer can bring on record materials to rebut the claim. In the instant case, the respondent had neither pleaded nor placed any material in that regard".

41. In the case of **Jindarsing Bahra and anr. v/s Cargo Motors Ltd., reported in 2006 LLR pg 1105**, the Hon'ble High Court of Gujarat has held that *"Labour Court was right in declining to award back wages when the Workman have not deposited about their unemployment during intervening period as such interference of the High Court is not warranted. The burden to prove unemployment, is initially upon the Workman which can be by way of oral evidence before the Labour Court, and thereafter, such burden stands shifted upon the employer to controvert the oral evidence of the Workman about his unemployment during the intervening period, hence the Labour Court was right in rejecting the claim of the Workman for back wages of intervening period".*

42. In the case of **Jagbir Singh v/s Haryana State Agriculture Marketing Board and Anr.**, reported in 2009 III CLR pg 628, the Hon'ble Supreme Court of India it has held that “*it is true that earlier view of this court articulated in many decisions reflected the legal position that if the termination of an employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in recent past, there has been a shift in the legal position and in long line of cases, this court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given fact situation even though the termination of an employee is in contravention to the prescribed procedure. Compensation instead of reinstatement has been held to meet the ends of justice*”.

43. Thus, it is now well settled that even if the termination of services of the Workman is held to be illegal and unjustified, the Workman concerned is not entitled to reinstatement with full back wages and continuity in service and consequential benefits, but it depends upon the facts and circumstances of each case.

44. In the case in hand, the Workman has pleaded that since his dismissal from service he is unemployed and could not succeed in getting any employment. The Workman also deposed the aforesaid fact in his affidavit in evidence filed in the present case. The Workman has however, in his cross-examination deposed that he has not tried for any alternate employment in any of the industries located in Honda Industrial Estate, Honda, Satari, Goa. He deposed that he was in employment for about one and half year in ACGL company on contract basis. He also deposed that he was in employment in M/s. EL Steel India company located at Honda Industrial Estate, Honda, Satari, Goa. He deposed that he had made efforts to get alternate employment at various places. He deposed that at present he is doing the business of hiring taxi since last about four months and earning around Rs. 4,000/- to Rs. 4,500/- per month approximately, however it depends on the availability of business.

45. Thus it appears from the oral evidence adduced by the Workman on record that though he claimed to be unemployed from the date of his dismissal from service, he was in the employment of various companies for certain periods and now doing the business of hiring taxi belonging to his father. Thus the statement of the Workman that he is unemployed from the date of his dismissal from service is false and not trustworthy and as such

cannot be believed. The Workman is therefore not entitled to any back wages. The Workman is however entitled to reinstatement with continuity in service and consequential benefits.

In view of the above I proceed to pass the following order.

ORDER

1. It is held that the action of the Management of M/s. Andrew Telecommunication India Private Limited, Verna Industrial Estate, Verna, in dismissing the services of Shri Rajendra K. Gaonkar, “Operator” in the Cable Assembly Department w. e. f. 16-4-2007, is illegal and unjustified.
2. The Workman, Shri Rajendra K. Gaonkar, “Operator” in the Cable Assembly Department is ordered to be reinstated in the employment of M/s. Andrew Telecommunication India Private Limited, Verna Industrial Estate, Verna, Goa alongwith continuity service in and consequential benefits.
3. No order as to costs.
4. Inform the Government accordingly.

Sd/-

(Suresh N. Narulkar)
Presiding Officer,
Labour Court-II

—◆—
Inspectorate of Factories and Boilers,
Institute of Safety, Occupational Health and
Environment

Order

No. VI/FAC-6(D-1/Part) IFB-2014/1398

In exercise of the powers conferred by sub-section (2) of Section 65 of the Factories Act, 1948 (Central Act No. 63 of 1948) (hereinafter called the “said Act”), the Government of Goa hereby exempts thirty-four adult workers of M/s. Hindustan Coca Cola Beverages Pvt. Ltd., M-2-M-11, Phase-III-B, Verna Industrial Estate, Verna, Goa, as mentioned in the table below, who are not holding the positions of supervision or management and/or not employed in a confidential position within the meaning of sub-section (1) of Section 64 of the said Act, from the provisions of Sections 51, 54 and 56 of the said Act, with effect from the date of the publication of this order in the Official Gazette upto 31-12-2014.

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 19

7TH AUGUST, 2014

| TABLE | | | | 1 | 2 | 3 | 4 | |
|---------|-------------|---------------------------------|------------------------|----------------------------------------------------------------------------------------|-------|-------------------------------|----------------------------|--|
| Sr. No. | Employee ID | Associate Name | Designation | 19. | 11042 | Umakanta Govinda Patra | Fork Lift Operator | |
| 1 | 2 | 3 | 4 | 20. | 5755 | Yogiraj Anant Gaonkar | Operator (Reliever) | |
| 1. | 5740 | Dinesh Vaman Parab | Boiler Operator | 21. | 5750 | Antonio Santan Fernandes | CIP/Canister Room Operator | |
| 2. | 11169 | Ganesh Parasharam Londhe | Boiler Operator | 22. | 5753 | Jose Francisco Fernandes | WTP Operator | |
| 3. | 11839 | Rupesh Bala Kambli | Boiler Operator | 23. | 5745 | Pramod Balakrishna Talekar | WTP Operator | |
| 4. | 12203 | Santosh Pandurang Shinde | Boiler Operator | 24. | 7118 | Pravin Mohan Naik | CIP/Canister Room Operator | |
| 5. | 5747 | Alex Alves | Bottle Washer Operator | 25. | 11957 | Rajaram Surykant Vankar | ETP Operator | |
| 6. | 10317 | Andre Vaz | Operator (Reliever) | 26. | 7915 | Rajendra Rupo Gaude | Syrup Room Operator | |
| 7. | 11108 | Antonio Joao Coracao Fernandes | Fork Lift Operator | 27. | 14221 | Amish Chandrakant Kasar | Electrician | |
| 8. | 12036 | Arun Prabhakar More | Electrician | 28. | 5752 | Mariano Pedro Silva | Operator-Refrigeration | |
| 9. | 11234 | Babasaheb Mukinda Kale | Fork Lift Operator | 29. | 10335 | Shantesh Vishnudas Talaulikar | Technician | |
| 10. | 5756 | Dattatray Chandrashekhar Khapne | Bottle Washer Operator | 30. | 5748 | Ulhas Tulshidas Mandrekar | Electrician | |
| 11. | 5751 | Jayant Vasudev Naik | Filter Operator | 31. | 8314 | Govinda Rajulu Talaru | Fork Lift Operator | |
| 12. | 5743 | Jose Joaquim Fernandes | Fork Lift Mechanic | 32. | 8231 | Gurudas Pundalik Parab | Fork Lift Operator | |
| 13. | 6499 | Nagesh Shrikant Gawas | Caser/Uncaser Operator | 33. | 14696 | Salvador Barreto | Fork Lift Operator | |
| 14. | 5749 | Pravin Purushottam Govenkar | Caser/Uncaser Operator | 34. | 9982 | Shailesh Shashikant Sattarkar | Fork Lift Operator | |
| 15. | 6718 | Rajendra Mohan Khandekar | Fork Lift Operator | By order and in the name of the Governor of Goa. | | | | |
| 16. | 11237 | Rudraksh Manohar Desai | Filter Operator | S. M. Paranjape, Chief Inspector and ex officio Joint Secretary (Factories & Boilers). | | | | |
| 17. | 10316 | Sanghpal Rushi Alone | Electrician | Panaji, 21st July, 2014. | | | | |
| 18. | 5746 | Shailesh Ashok Prabhudessai | Filter Operator | | | | | |

Department of Public Health

—
Order

No. 13/52/89-IV/PHD(Part II)

Government is pleased to re-nominate Dr. Ida de Noronha de Ataide, Dean of Goa Dental College and Hospital, Bambolim-Goa to fill up the vacancy of an elected representative on the Dental Council of India to represent the State of Goa as required under Section 3(e) of the Dentists Act, 1948 for the remainder of the term.

By order and in the name of the Governor of Goa.

D. G. Sardessai, Additional Secretary (Health).

Porvorim, 18th July, 2014.

—
Order

No. 4/3/2005-II/PHD/Vol. II

Read: Government Order No. 4/3/2005-II/PHD/Vol. II dated 03-07-2013.

Government is pleased to extend the term of ad hoc promotion of the following doctors in the Department of Biochemistry in Goa Medical College, Bambolim, for a period of one year or till the posts are filled on regular basis, whichever is earlier, as indicated against their names:

| Sl. No. | Name of Doctors & promoted post (ad hoc) | Extended w.e.f. |
|------------|-------------------------------------------------|------------------------------|
| 1 | 2 | 3 |
| 1. | Dr. (Mrs.) Manisha Audi, Associate Professor | 03-07-2014 to 02-07-2015. |
| 2. | Dr. Carlos Noel Menezes, Assistant Professor | 03-07-2014 to 02-07-2015. |

This issues with the concurrence of the Goa Public Service Commission conveyed vide their letters No. COM/II/11/30(2)/2014/624 & No. COM/II/11/30(1)/2014/622 both dated 10-07-2014.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 21st July, 2014.

—
Order

No. 4/3/2005-II/PHD/Vol. II

Read: Government Order No. 4/3/2005-II/PHD/Vol. II dated 03-07-2013.

Government is pleased to extend the term of ad hoc promotion of the following doctors in the Department of Anaesthesiology in Goa Medical College, Bambolim, for a further period of one year or till the posts are filled on regular basis, whichever is earlier, as indicated against their names:

| Sl. No. | Name of Doctors & promoted post (ad hoc) | Extended w.e.f. |
|------------|------------------------------------------------|------------------------------|
| 1 | 2 | 3 |
| 1. | Dr. (Mrs.) Shaila Kamat, Professor | 03-07-2014 to 02-07-2015 |
| 2. | Dr. Sharmila Borkar G., Associate Professor | 03-07-2014 to 02-07-2015. |

This issues with the concurrence of the Goa Public Service Commission conveyed vide their letters No. COM/II/11/30(3)/2014/626 & No. COM/II/11/30(2)/2014/625 both dated 10-07-2014.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 21st July, 2014.

—
Order

No. 4/10/2002-II/PHD/Vol. I

Read: Government Order No. 4/10/2002-II/PHD/Vol. I dated 04-06-2013.

Government is pleased to extend the term of ad hoc promotion of Dr. Rohit R. Chodankar, Lecturer in Orthopaedics against the post of Assistant Professor in Orthopaedics in Goa Medical College, Bambolim, for a further period of one year w.e.f. 04-06-2014 to 03-06-2015 or till the post is filled on regular basis, whichever is earlier.

The above ad hoc appointment shall not bestow on him any claim for regular appointment or the service rendered by him on ad hoc basis in the grade shall not be counted for the purpose of seniority in the grade or for eligibility for promotion to the next higher grade, if any.

This issues with the concurrence of the Goa Public Service Commission conveyed vide their letter No. COM/II/11/30(1)/2014/623 dated 10-07-2014.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 21st July, 2014.

OFFICIAL GAZETTE — GOVT. OF GOA

SERIES II No. 19

7TH AUGUST, 2014

Order

No. 6/9/2002-III/PHD (Part)

Read: Order No. 6/2/2013-III/PHD dated 09-07-2013.

Government is pleased to extend the ad hoc promotion of Dr. Shilpa V. Waikar alias Kerkar, Associate Professor in Psychiatry, Institute of Psychiatry & Human Behaviour, Bambolim-Goa for a further period of one year with effect from 09-07-2014 to 08-07-2015, or till the post is filled on regular basis, whichever is earlier.

This issues with the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/35(1)/2014/677 dated 17-07-2014.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 25th July, 2014.

Order

No. 6/9/2002-III/PHD (Part)

Read: Order No. 6/2/2013-III/PHD dated 09-07-2013.

Government is pleased to extend the ad hoc promotion of Dr. Nayana Sanjay Naik, Assistant Professor in Psychiatry, Institute of Psychiatry & Human Behaviour, Bambolim-Goa for a further period of one year with effect from 09-07-2014 to 08-07-2015, or till the post is filled on regular basis, whichever is earlier.

This issues with the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/II/11/35(2)/2014/675 dated 17-07-2014.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 25th July, 2014.

Order

No. 11/3/89-IV/PHD/3 (Part I)

Read: Memorandum No. 11/3/89-IV/PHD/3 (Part I) dated 09-07-2014.

On the recommendation of the Goa Public Service Commission, conveyed vide letter No. COM/I/5/14(2)/2010/619 dated 24-06-2014,

Government is pleased to appoint Dr. Sapna Sada Raut Dessai to the post of Lecturer in the Department of Oral Medicine and Radiology (Group "A", Gazetted) in the Goa Dental College and Hospital, Bambolim-Goa in the Pay Band—3 ` 15,600-39,100+ Grade Pay of ` 5,400/- with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Dr. Sapna Sada Raut Dessai shall be on probation for a period of one year.

Dr. Sapna Sada Raut Dessai has been declared medically fit by the Medical Board.

The appointment is subject to the verification of her character and antecedents. In the event of any adverse remarks noticed by the Government on verification of her character and antecedents, her services shall be terminated.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 25th July, 2014.

Order

No. 4/3/2008-IV/PHD

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/14(3)/2014/648 dated 16-07-2014, Government is pleased to declare Dr. Nandini V. Kamat, Professor, Department of Orthodontics, Goa Dental College and Hospital, Bambolim-Goa as having completed satisfactorily her probation period of one year with effect from 13-03-2012 to 12-03-2013.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 24th July, 2014.

Order

No. 4/3/2008-IV/PHD

On the recommendation of the Goa Public Service Commission conveyed vide their letter No. COM/II/12/14(4)/2014/647 dated 16-07-2014, Government is pleased to declare Dr. Ivy Fernandes Coutinho, Assistant Professor,

Department of Prosthodontics, Goa Dental College and Hospital, Bambolim-Goa as having completed satisfactorily her probation period of one year with effect from 30-01-2013 to 29-01-2014.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 24th July, 2014.

Order

No. 11/3/89-IV/PHD/4

Read: Memorandum No. 11/3/89-IV/PHD/4 dated 18-07-2014.

On the recommendation of the Goa Public Service Commission, conveyed vide letter No. COM/I/5/14(6)/2010/I/414 dated 27-01-2014, Government is pleased to appoint Dr. Paul Chalakkal, to the post of Lecturer in the Department of Pedodontics and Preventive Dentistry (Group "A", Gazetted) in the Goa Dental College and Hospital, Bambolim-Goa in the Pay Band—3 ` 15,600-39,100+ Grade Pay of ` 5,400/- with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Dr. Paul Chalakkal shall be on probation for a period of one year.

Dr. Paul Chalakkal has been declared medically fit by the Medical Board.

The appointment is subject to the verification of his character and antecedents. In the event of any adverse remarks noticed by the Government on verification of his character and antecedents, his services shall be terminated.

By order and in the name of the Governor of Goa.

Sangeeta M. Porob, Under Secretary (Health).

Porvorim, 25th July, 2014.

—◆—
Goa Dental College & Hospital

Order

No. 2/449/98-GDCH/EST/1152

As per the Right to Information Act under sub-sections (1) and (2) of Section 5 of the Right to Information Act, 2005, the following Officers are designated as PIO/APIO in Goa Dental College & Hospital, Bambolim, Goa with immediate effect.

i) Public Information Officer : Dy. Director (Admn.), Goa Dental College & Hospital.

ii) Assistant Public Information Officer : Shri Carlos B. Dias, Assistant Engineer (Electrical), Goa Dental College & Hospital.

Dr. Amita Kenkre Kamat, Professor & Head of Department of Community Dentistry shall be Link Officer as P.I.O. during the absence/leave period of Dy. Director (Admn.).

The above designated officers shall receive the applications for information or appeals under this Act and the steps/action in accordance with the relevant provisions of the Right to Information Act, 2005.

Dr. Ida de Noronha de Ataide, Dean, Goa Dental College and Hospital will continue to be First Appellate.

This supersedes earlier Order No. 2/449/98-GDCH/EST/2344 dated 20-01-2009.

Dr. *Ida de Noronha de Ataide*, Dean (Goa Dental College & Hospital).

Bambolim, 22nd July, 2013.



Department of Public Works

Office of the Principal Chief Engineer

Order

No. 34/4/2014/PCE-PWD-ADM(II)/94

Government is pleased to promote Shri K. V. Sreekrishnan, Superintending Engineer/ Superintending Surveyor of Works of this Department and presently working on deputation as Senior Technical Examiner in the Directorate of Vigilance to the post of Chief Engineer on ad hoc basis in Public Works Department, Group 'A', Gazetted in the pay band—4 ` 37,400-67,000+ G. P. ` 10,000/- with immediate effect and post him as Chief Technical Examiner in the Directorate of Vigilance, Altinho, Panaji on deputation.

The above ad hoc promotion will not bestow on the promoted officer any claim for regular promotion nor the service rendered on ad hoc

basis in the grade will be counted for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

The deputation of the aforesaid Officer shall be governed by the terms and conditions contained in O.M. No. 13/4/74/PER dated 12-2-1999 of the Department of Personnel, Government of Goa, Secretariat, Panaji as mentioned from time to time.

His pay shall be fixed at the minimum of PB—4 ` 37,400-67,000+ G. P. ` 10,000/-.

By order and in the name of the Governor of Goa.

J. J. S. Rego, Principal Chief Engineer & ex officio Addl. Secretary (PWD).

Porvorim, 24th July, 2014.



Department of Revenue

order

No. 22/06/2012-RD

Whereas, the Government of Goa, vide Notification No. 22/06/2012-RD dated 25-04-2013, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 5 dated 02-05-2013, notified that the land specified in the Schedule there of (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for the construction of Handball Stadium at Fatorda, Margao, for hosting of the 36th National Games, 2014 (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa, considered the report made by the Collector under sub-section (2) of Section 5-A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 22/06/2012-RD dated 22-05-2014, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 9 dated 29-05-2014, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa

hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 28th July, 2014.

Order

No. 19/5/2005-RD

Read: 1) Order No. 19/5/2005-RD dated 29-06-2006.
 2) Order No. 19/5/2005-RD dated 24-07-2009.
 3) Order No. 19/5/2005-RD dated 27-07-2010.
 4) Order No. 19/5/2005-RD dated 23-07-2013.

In continuation of the Orders referred to above and in exercise of the powers laid down under Section 14(5) under Chapter (III) of the Disaster Management Act, 2005 (Central Act 53 of 2005), the Government hereby continues with composition of Goa State Disaster Management Authority until further orders.

The Goa State Disaster Management Authority at present consists of following members:

| | |
|------------------------------------------|------------------------------------------------|
| 1. Chief Minister | — Chairman Ex officio. |
| 2. Revenue Minister | — Vice Chairman Ex officio. |
| 3. Chief Secretary | — Chief Executive Officer Ex officio. |
| 4. Collector (North) | — Member. |
| 5. Collector (South) | — Member. |
| 6. Director of Fire & Emergency Services | — Member. |
| 7. Director General of Police | — Member. |
| 8. Principal Chief Engineer (PWD) | — Member. |
| 9. Chief Engineer (Electricity) | — Member. |
| 10. Chief Engineer (Water Resources) | — Member. |
| 11. Secretary (Revenue) | — Member Secretary. |

The Authority shall continue to function as per the duties and functions assigned under the Disaster Management Act, 2005 (Central Act No. 53 of 2005).

This order shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 1st August, 2014.

Notification

No. 23/38/2013-RD

Whereas, by Government Notification No. 23/38/2013-RD dated 31-12-2013 published on Series II, No. 39 of the Official Gazette dated 31-12-2013 and in two local newspapers namely "The Times of India" and "Gomantak" both dated 01-01-2014, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act"), that the land specified in the Schedule appended to the said Notification (hereinafter referred to as the said land), was needed for public purpose, viz. Land Acquisition for Ribandar Bypass on NH-4-A between kms. 143/500 to kms. 153/200. Rehabilitation of affected families.

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

The Government also hereby appoints under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, PWD (Cell), Altinho, Panaji-Goa, to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land.

3. A plan of the said land can be inspected at the office of the Land Acquisition Officer, PWD (Cell), Altinho, Panaji-Goa, till the award is made under Section 11.

SCHEDEULE

(Description of the said land)

Taluka: Tiswadi

Village: Ella

| Survey No./ /Sub-Div. No. | Names of the persons believed to be interested | Area in sq.mts. |
|------------------------------|------------------------------------------------------|--------------------|
| 1 | 2 | 3 |
| 94/2 part O: | Shri Devaki Krishna Ravalnath Sausthan of Mashel. | 3085 |

O.R.: Laximi Peter Bhomkar.

Taluka : Tiswadi

Village : Chimbel

15/Part O: Comunidade of Chimbel. 141

16/Part O: Shri Sausthan Devaki Krishna Ravalnath. 1867

O.R.: 1. Rama Kankonkar.

2. Shankar Kankonkar.

Boundaries:

Village : Ella

North : S. No. 94/3.

South : S. No. 94/2.

East : S. No. 94/2.

West : Road.

Village : Chimbel

North : S. No. 15, 16.

South : S. No. 17/1, 2.

East : S. No. 16.

West : S. No. 14/2.

Total: 5093

By order and in the name of the Governor of Goa.

Anju S. Kerkar, Under Secretary (Revenue-II).

Porvorim, 30th July, 2014.

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